

ALASKA LEGISLATIVE NOTES.

In the Act of August 24, 1912, creating a territorial form of government for Alaska, it was provided that the legislature should not have the power to alter, amend, modify, or repeal existing laws in respect to the fisheries of the Territory. A proviso was incorporated, however, which stated that nothing should prevent the Territory from imposing other and additional license fees or taxes. Pursuant to the authority which was supposed to exist by virtue of this proviso, the Territorial Legislature, at its first session, which occurred in 1913, imposed certain license fees on the fisheries. This Act, however, was re-enacted by the legislature at its second session in 1915, the following being that part referring particularly to the fisheries:

Section 1. That any person, firm or corporation prosecuting or attempting to prosecute any of the following lines of business in the Territory of Alaska shall apply for and obtain a license and pay for said license for the respective lines of business as follows:

* * * * *

6th. Fisheries: Salmon canneries, four cents per case on King and Reds or Sockeye; two cents per case on Medium Reds; one cent per case on all others.

7th. Salteries: Two and one-half cents per one hundred pounds on all fish salted or mild cured, except herring.

8th. Fish Traps: Fixed or floating, one hundred dollars per annum. So called dummy traps included.

9th. Gill Nets: One dollar per hundred fathoms or fraction thereof.

10th. Cold Storage Fish Plants: Doing a business of one hundred thousand dollars per annum or more, five hundred dollars per annum; doing a business of seventy-five thousand dollars per annum, and less than one hundred thousand dollars, three hundred and seventy-five dollars per annum; doing a business of fifty thousand and less than seventy-five thousand

dollars per annum, two hundred and fifty dollars per annum; doing a business of twenty-five thousand and less than fifty thousand dollars per annum, one hundred and twenty-five dollars per annum; doing a business of ten thousand dollars and less than twenty-five thousand dollars per annum, fifty dollars per annum; doing a business of four thousand and less than two thousand dollars per annum, twenty-five dollars per annum; doing a business of under four thousand dollars per annum, ten dollars per annum. The "Annual Business" under this section shall be considered the amount paid per annum for the product.

It has been felt by the commercial fishery interests of Alaska that the enabling Act did not confer sufficient authority upon the Territorial Legislature to impose any license fees or taxes upon the fisheries. As a result, there has been much controversy and the license fees or taxes collected by the Territory have been paid under protest by the companies concerned. It was finally agreed upon by representatives of the fishery interests and the Territory that a test case would be instituted with a view to having the matter definitely decided by the courts. Accordingly, a case was brought to trial in the District Court at Juneau, the Alaska Salmon Company, operating a cannery in western Alaska and with headquarters at San Francisco, being named as defendant. In December, 1915, the District Court rendered a decision in favor of the Territory of Alaska and the case was accordingly appealed to the Circuit Court of Appeals of the Ninth Judicial District. No decision has been handed down as yet by that court. It is understood that the representatives of the fishery interests and the Territory bound themselves to abide by the decision of the Circuit Court without attempt at further appeal.

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dollars per annum, two hundred and fifty dollars per annum; doing a business of twenty-five thousand and less than fifty thousand dollars per annum, one hundred and twenty-five dollars per annum; doing a business of ten thousand dollars and less than twenty-five thousand dollars per annum, fifty dollars per annum; doing a business of four thousand and less than two thousand dollars per annum, twenty-five dollars per annum; doing a business of under four thousand dollars per annum, ten dollars per annum. The "Annual Business" under this section shall be considered the amount paid per annum for the product.

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*See Bureau
memo. 5/16/16
dated Aug. 12/16.*

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7th. Salteries: Two and one-half cents per ^{*one hundred*} ~~100~~ pounds on all fish salted or mild cured, except herring.

8th. Fish Traps: Fixed or floating, ^{*one hundred dollars*} ~~\$100~~ per annum. So-called dummy traps included.

9th. Gill Nets: One dollar per hundred fathoms or fraction thereof.

10th. Cold Storage Fish Plant: ^{*a*} Doing ^{*per annum or more,*} business of \$100,000 ~~or over~~, \$500 per annum. Doing business of \$75,000 or less than \$100,000, \$375. Doing business of \$50,000 and less than \$75,000, \$250. Doing business of \$25,000 and less than \$50,000, \$125. Doing business of \$10,000 or less than \$25,000, \$50. Doing business of \$4,000 and less than \$10,000, \$25. Doing business of under \$4,000, \$10 per annum.

*Connection
not completed*

(2)

The "Annual Business" under this section shall be considered the amount paid per annum for the product.

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